

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PHILLIP RAY WHEELER,

Plaintiff,

CASE NO. 14-12540
HON. MARIANNE O. BATTANI

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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**OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION GRANTING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Phillip Ray Wheeler brings this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Commissioner denying the application for supplemental security income and disability insurance benefits. Plaintiff filed the claim on March 2, 2012, alleging a disability onset date of January 12, 2012. In his Decision, dated February 21, 2013, the Administrative Law Judge ("ALJ") concluded that Plaintiff was not disabled.

After the Appeals Council denied review, Wheeler timely filed this action for judicial review of the Commissioner's decision. The case was referred to Magistrate Judge Michael Hluchaniuk pursuant to 28 U.S.C. § 636. In a Report and Recommendation ("R&R") dated August 14, 2015, Magistrate Judge Hluchaniuk recommended that Defendant's Motion for Summary Judgment be denied and that Plaintiff's motion be granted. The Magistrate Judge also recommended that the decision denying benefits be reversed and this matter be remanded to the Commissioner for further proceedings

consistent with the R&R.

In his Report and Recommendation, the Magistrate Judge informed the parties that objections to the R&R needed to be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. (Doc. No. 17 at 27-28). Neither party filed an objection. Moreover, this Court agrees with the thorough analysis contained in the R&R.

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation, **DENIES** Defendant's Motion for Summary Judgment, **GRANTS** Plaintiff's Motion for Summary Judgment, and **REMANDS** this matter for further proceedings and consideration consistent with the Report and Recommendation.

IT IS SO ORDERED.

Date: September 17, 2015

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on September 17, 2015.

s/ Kay Doaks
Case Manager